

EXHIBIT C

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

THE STATE OF LOUISIANA, By and
through its Attorney General, JEFF
LANDRY, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States, et
al.,

Defendants,

and

HEALTHY GULF, et al.,

Intervenor-Defendants.

Civ. No.: 2:21-cv-00778-TAD-KK

Judge: Terry A. Doughty

Mag. Judge: Kathleen Kay

DECLARATION OF ROBERT WILLIAM SHAVELSON JR.

I, Robert William Shavelson Jr., hereby declare as follows:

1. I am a resident of Homer, Alaska. I hold a B.A. in Biology from Boston University and a J.D. from the University of Oregon, with certificates in Natural Resources Law and Ocean and Coastal Law.
2. I am the Advocacy Director at Cook Inletkeeper. I have worked for Cook Inletkeeper for 25 years. In my current role, I am responsible for leading the policy and advocacy efforts of the organization. Previously, I was the Executive Director of Inletkeeper, and I was responsible for managing the policy, personnel, finances, and fundraising of the organization. I am familiar with the organization, membership, policies, and practices of Inletkeeper.
3. Cook Inletkeeper is a 501(c)(3) nonprofit organization headquartered in Homer, Alaska, with a field office located in Soldotna. It was founded in 1995 by Alaskans impacted by

the Exxon Valdez Oil Spill and concerned with oil and gas pollution, rapid ecological changes, and gaps in environmental protection in the Cook Inlet watershed. The mission of Cook Inletkeeper is to protect Alaska's Cook Inlet watershed and the life it sustains. In pursuit of its ambitious mission, Cook Inletkeeper engages in a variety of research, education and advocacy activities designed to inform and support its members and supporters around the Cook Inlet watershed and beyond. The organization applies a holistic lens to the connections between the health of the watershed and ecological, economic, and human health.

4. Cook Inletkeeper is a membership organization. Members rely on Cook Inletkeeper to advance their interests in protecting Cook Inlet. Members include Alaskans from many walks of life, including commercial fishermen, sport fishermen, Alaska Natives, property owners, hunters, scientists, ecologists, small business owners and subsistence users. Cook Inletkeeper's members use Cook Inlet for economic, recreational, aesthetic, professional, scientific, subsistence and other purposes, and intend to continue to frequently engage in these activities and to use and enjoy Cook Inlet and its wildlife in the future. Cook Inletkeeper has over 1,200 dues-paying members and over 5,000 supporters who have taken action on oil and gas, beluga whale protection, mining and related water quality and habitat issues.

5. Cook Inlet is one of the birthplaces of modern oil and gas production. In 1957, before the passage of federal environmental statutes, oil was discovered in the area, and oil extraction operations quickly moved offshore. The area continues to be a regulatory backwater where development receives much less scrutiny than elsewhere. The combination of an abundance of extractive activities, a lack of regulatory oversight, and harsh ice, weather and tidal conditions in the Inlet puts the area at very high risk for oil spills and other harms from oil and gas activity. For example, in 2017 one of Hilcorp's pipelines in the Inlet started leaking gas into

the water below the ice. Hilcorp was unable to repair the pipeline for months because of ice and other conditions, and the leak ultimately lasted for almost four months. In 2021, this same pipeline leaked again, prompting a federal enforcement action requiring Hilcorp to replace the 55-year-old subsea pipe.

6. Cook Inletkeeper's members and supporters use and rely on the waters and the marine resources in the proposed million-acre Lease Sale 258 area in Lower Cook Inlet for commercial, sport and subsistence fishing. In fact, in the 1970's, fishermen, Alaska Natives and others led a successful effort to ban oil and gas development in the rich fisheries of Kachemak Bay in Lower Cook Inlet. Members and supporters also use Lower Cook Inlet for a variety of tourism-related small businesses, including but not limited to kayaking, whale watching, fishing and scientific research activities. Cook Inletkeeper members and supporters also find considerable value in the untrammeled, wild nature of Lower Cook Inlet, which is bordered by Lake Clark National Park, Katmai National Park and portions of the Alaska Maritime National Wildlife Refuge. The fishing resources and aesthetic values of this wild place would be destroyed by oil and gas infrastructure and pollution.

7. To date, all oil and gas production in the area has been in state waters in Upper Cook Inlet, and the track record there includes a seascape pocked with pipelines and platforms, regular oil and gas leaks and spills, and ongoing toxic discharges. Accordingly, Cook Inletkeeper members and supporters do not want see the same industrialization of the pristine and wild waters of Lower Cook Inlet.

8. The effects of climate change are also playing an important role in Cook Inletkeeper members' and supporters' opposition to oil and gas development in Lower Cook Inlet. For example, in 2020, federal managers closed the venerable Pacific cod fishery in Lower

Cook Inlet, and for the first time ever, they blamed climate change and warming waters for the low population numbers. Lower Cook Inlet supports multiple small scale sustainable commercial fisheries, subsistence fisheries as well as charter and personal use sport fisheries that are the foundation for the economy and way of life on the Lower Kenai Peninsula. Climate change and ocean acidification pose grave threats to Alaska's fisheries and the coastal communities they support. Oil and gas development in Lower Cook Inlet will only exacerbate the stress of climate change on fisheries and coastal communities that rely on the Inlet's resources.

9. Cook Inletkeeper and its members and supporters have a 25-plus year history working to protect the federal waters of Lower Cook Inlet from oil and gas development. For Lease Sale 258, Inletkeeper has embarked on a number of efforts, including: a) helping to secure passive acoustic monitors to record the explosive sounds from seismic air guns on the outer continental shelf in 2019; this work showed how seismic air guns pushed various whales out of the testing area and that the 600' seismic vessel also displaced several halibut fishermen from their preferred fishing grounds; b) writing several blogs informing Cook Inletkeeper's members and supporters about the proposed lease sale and encouraging citizen participation; c) garnering petition signatures from more than 500 Alaskans opposed to Lease Sale 258; and d) signing onto scoping comments concerning the Bureau of Ocean Energy Management's (BOEM) environmental analysis for the sale. Cook Inletkeeper also has litigated Marine Mammal Protection Act and Endangered Species Act claims in federal court over oil and gas exploration work for leases in Lower Cook Inlet that BOEM awarded in 2017. All these efforts aim to stop the industrialization of Lower Cook Inlet, and to protect the stable and sustainable fishing and tourism economies in the region that rely on clean water, healthy habitat and untrammeled views.

10. The pause in federal oil and gas leasing in Cook Inlet provides a significant benefit to Cook Inletkeeper and its members and supporters by helping to stave off the industrialization of the wild and pristine waters of Lower Cook Inlet. If BOEM offers new leases in the area, the potential for more exploration – and eventually development and production – increases dramatically. This industrialization would undermine the commercial fishing, subsistence harvesting, sport fishing and tourism interests of Cook Inletkeeper's members and supporters. Furthermore, the never-ending process of oil and gas leasing, exploration, development and production require constant vigilance from local residents impacted by these activities. In the face of increasing climate impacts these local residents need to focus their limited time on their personal and professional livelihoods instead of engaging in endless government and industry permitting processes.

11. If the pause on oil and gas leasing is lifted, the federal government will be faced with a glaring contradiction: pushing for more fossil fuel development in the very same waters where climate change has resulted in the closure of a vital Alaska fishery. This disconnect between science and policy would be a big black eye for an Administration committed to addressing the adverse impacts of climate change and transitioning Alaska to a clean energy future.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 4/20/21

By: 

Robert William Shavelson Jr.